

**REMARKS**

Claims 1-39 remain in the application. Reconsideration of the application and allowance of all claims are respectfully requested.

Claims 1-9 and 14-39 are rejected as unpatentable over Odenwalder et al in view of Akao, Kayama et al and Wang et al. Claims 1-9 and 14-39 are also rejected as unpatentable over Odenwalder et al, in view of Akao, Kayama et al, well known prior art and Wang et al. These rejections are respectfully traversed.

The examiner has in the past relied on the same art except without Wang et al. Applicant has pointed out a number of deficiencies in the proposed combination of the prior art, among them being that the present invention utilizes a list comprising plural sets of shared channels, with the list being provided to the mobile terminal and then the base station selects one of the several sets of shared channels and indicates the selected set to the mobile terminal by way of a dedicated channel between the base station and mobile terminal.

In the present Office action, the examiner has acknowledged that the combination of Odenwalder/Akao/Kayama does not disclose a list composed of several sets of shared channels, and relies on Wang et al for this teaching. Specifically, the examiner notes that Wang et al discloses several channel (frequency) subbands allocated to a mobile and also to a base station (Par. 03).

The examiner has now relied on a combination of four references, picking and choosing selected features for combination with no possible motivation but hindsight, and still fails to teach the claimed invention. Wang et al teaches (in the same Paragraph 03 referred to by the

examiner) that a cell with a base station at its center is divided into three sectors and a different frequency subband is used in each sector. In order to avoid interference between adjacent cells, the sectors are arranged such that no two sectors of the same frequency are adjacent one another. As a consequence, there is no “choice” of a frequency band to use for a particular mobile, it is simply that a mobile in a given sector will use the frequency subband being used in that sector, and it will always be the same frequency band in any given sector of a given cell.

If this concept were adapted at all into the Odenwalder system, we start first with an Odenwalder et al system which says nothing about a list of channels or the selection from the list. It simply teaches that the system may be TDMA or CDMA, or whatever. The examiner attempts to ignore the requirement of selection from a list by arguing that selection is inherent in simply a cellular channel request and channel assignment. But this is not selection from a list, and there is no sending of the list to the mobile from a control facility and not from the base station. Most importantly, , it is not selection of a *set* from a list of plural *sets* . It is at best selection of a channel (although applicant submits it is not even that). Adopting the Wang et al teaching in the Odenwalder et al system would result in Odenwalder et al dividing each cell into sectors. There would still be no list of plural sets sent from a control facility to a mobile , nor would the base station choose from amongst the sets and convey that to the mobile. The base station would have no choice, but would have to use the frequency sub-band associated with the sector the mobile is in.

It is also to be noted that the examiner has relied on Akao for its teaching of assigning a frequency to the destination base station, but if the cells were to be broken up into sectors in accordance with the teaching of Wang et al, there would no longer be any choice of which

frequency a mobile might use. Changing the frequency of any one base station would result in a clash of frequencies with adjacent cells, which is explicitly to be avoided if the sector plan of Wang et al is dropped.

As to reliance on Akao to teach the notification of the list of channels to the mobile station, it is noted that paragraph 0046 of Akao simply states that one base station will inform the mobile terminal about which channel to use to hand off to. This is not advising the mobile of a list of channels that includes plural channel sets, but rather the notification of a single channel to use.

Thus, at each stage of the combination, the proposed combination is not and would not have been obvious, and some of the later combinations are inconsistent with the earlier combinations. Accordingly, it is submitted that the claimed invention would not have resulted from any obvious combination of the teachings of the various references, and withdrawal of the rejections is requested.

Respectfully submitted,

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